

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6731**

**BILL NUMBER:** SB 347

**NOTE PREPARED:** Feb 8, 2013

**BILL AMENDED:** Feb 7, 2013

**SUBJECT:** Child Solicitation.

**FIRST AUTHOR:** Sen. Head

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) *Child Solicitation:* This bill increases the penalty for child solicitation to a Class B felony if a person solicits the child to engage in sexual intercourse or deviate sexual conduct and the person: (1) has a previous conviction; or (2) travels to meet the child after using a computer network to solicit the child.

*Social Networking:* The bill prohibits persons convicted of: (1) child molesting; (2) child exploitation; (3) child solicitation; or (4) child seduction; from using a social networking site to communicate with a child less than 16 years of age, unless the person is a parent, guardian, or relative of the child. The bill provides a defense if the person reasonably believed that the child was at least 16 years of age.

**Effective Date:** (Amended) July 1, 2013; July 1, 2014.

**Explanation of State Expenditures:** (Revised) The bill specifies conditions under which the crimes of child molesting, child exploitation, child solicitation, and child seduction while using a computer would apply. The bill narrows somewhat the offenses. However, it is unknown how many people might be convicted of the revised offenses.

The penalties involve Class A misdemeanor, and Class B, C, and D felony offenses. A Class D felony is punishable by a prison term of 6 months to 3 years, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging between 2 and 8 years. A Class B felony is punishable by a prison term ranging from 6 to 20 years.

The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately 2 years, approximately 3.7 years for Class B felony offenders, and approximately 10 months for Class D felony offenders.

The average expenditure to house an adult offender was \$18,582 in FY 2012. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$78,318 in FY 2012.

**Explanation of State Revenues:** (Revised) The bill could affect revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees). The maximum fines for a Class D, C, or B felony is \$10,000.

**Explanation of Local Expenditures:** (Revised) If defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may change. However, any changes would likely be small.

**Explanation of Local Revenues:** (Revised) Court fees for all criminal convictions are \$120. However, any changes would likely be small.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

**Fiscal Analyst:** Chuck Mayfield, 317-232-4825.